IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.22559 OF 2004

Rajesh Kantilal Kapadia ... Petitioner

versus

The Collector Mumbai

Mumbai S.D. and another ... Respondents

...

Mrs. V.B. Thadhani, for the Petitioner.

Mr. P.I. Khemani, A.G.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

19th August 2004

P.C.:

. Not on board. Upon mentioning, taken on board.

. Heard Counsel appearing for the parties. Rule. Rule made returnable forthwith by consent. Mr. Khemani waives notice for the Respondents. As short point is involved, the petition is taken up for final disposal forthwith by consent.

. The sole grievance made in this petition is that the statutory appeal filed by the Petitioner against the impugned order dated 16th August 2004 is not being disposed or nor any

order is being passed on the application for interim relief. In the circumstances, the appropriate course is to direct the appellate authority to dispose of the main appeal pending before it as expeditiously as possible preferably within six weeks from today. Till the appeal is finally decided, the impugned order passed by the Collector, Mumbai, be not given effect to. If the appellate authority passes any order, which is adverse to the Petitioner, in that event, the said order be not given effect for a period of one week from the date of communication of the order of the appellate authority to the Petitioner. Petition disposed of on the above terms. No order as to costs.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)